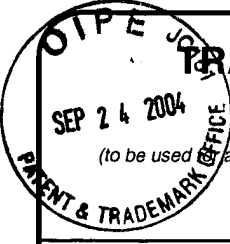



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

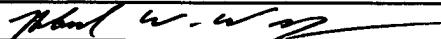
 <b>TRANSMITTAL FORM</b> (to be used in all correspondence after initial filing)	Application Number	09/992,546
	Filing Date	November 6, 2001
	First Named Inventor	Tony Melkent et al.
	Art Unit	3731
	Examiner Name	David Reip
Total Number of Pages in This Submission	Attorney Docket Number	5074A-000021/COB

ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Request for Reconsideration of Patent Term Adjustment Determination</b>		
<table border="1"> <tr> <td>Remarks</td> <td>The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</td> </tr> </table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.			

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name	Richard W. Warner	Reg. No.	38,043
Signature					
Date	Sept. 27, 2004				

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Richard W. Warner	Express Mail Label No.	EV 531 989 985 US (9/24/2004))
Signature		Date	Sept. 27, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV 531 989 985 US



9/27/04  
1455

DAC/ #  
etw  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent No.: 6,796,988  
Projected Issue Date: 09/28/2004  
Application No.: 09/992,546  
Filing Date: 11/06/2001  
Applicant: Tony Melkent et al.  
Title: IMAGE GUIDED SPINAL SURGERY GUIDE,  
SYSTEM, AND METHOD FOR USE THEREOF  
Attorney Docket: 5074A-000021/COB

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Mail Stop Petition  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION OF  
PATENT TERM ADJUSTMENT DETERMINATION**

Sir:

Applicants respectfully request that the patent term adjustment determination for this case be reconsidered, as is permitted by 37 C.F.R. 1.705.

The Notice of Allowance for this case, mailed on May 4, 2004, indicates that the patent term adjustment is 371 days. The Issue Notification for this case indicates that the patent term adjustment is only 328 days.

To determine the reason for the 43 day reduction, Applicants' representative telephoned the Office of Patent Legal Administration. The Office of Patent Legal Administration indicated that the patent term adjustment period was reduced by 43 days

09/28/2004 RNEBRAH1 00000180 080750 09992546  
01 FC:1455 200.00 DA

because a "Workflow - Drawings Finished" was received by the PTO on August 17, 2004. Nevertheless, as confirmed by a check in the PALM system by the U.S. Patent and Trademark Office's representative, **no** drawings were either filed or received by the USPTO in this application at that date. Formal and complete drawings were filed with the original application. The USPTO's representative indicated that this entry, most likely, was a clerical error.

A check in the amount of \$200.00 is enclosed for the fee for this request, as set forth in 37 C.F.R. § 1.18(e). Please charge any additional fees or credit any overpayment to Deposit Account No. 08-0750.

Because the reduction in PTA appears to have been a clerical error in the part of the USPTO it is requested that the fee paid with this request be **credited** to the Deposit Account No. 08-0750.

If there are any questions regarding this request, please contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: Sept. 27, 2004

By: Richard W. Warner  
Richard W. Warner  
Reg. No. 38,043

HARNESSE, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

The PTO did not receive the following  
listed item(s): A. check for  
\$ 200.00